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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,355	01/09/2002	Jason Robert McGee	RSW920010086US1	7289

7590 02/06/2008

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2144	

MAIL DATE	DELIVERY MODE
02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/043,355
Filing Date: January 09, 2002
Appellant(s): MCGEE ET AL.

Theodore Naccarella
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 15, 2007 appealing from the Office action mailed January 22, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,678,731	**Howard**	**02-2004**
6,934,736	**Sears**	**08-2005**

Jsonline, "http://www.jsonline.com/bym/tecg/news/juno1/bugs 19061801.org"

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al., (hereinafter Howard) U.S. Patent No. 6,678,731 in view of Sears et al., (hereinafter Sears) U.S. Patent No. 6,934,736 further in view of http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org., (hereinafter Jsonline.com).

3. **As to claim 1**, Howard teaches the invention as claimed, including a method of synchronizing different copies of a cookie across a plurality of client computing devices that access a network, said method comprising the steps of: (1) registering a plurality of client computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (2) maintaining information identifying the members of said account at a server on said network [see col.9, lines 65-67, col.10, line 55 to col.11, line15](*the same login ID is used to identify a particular user on all affiliate servers, the information received in the completed web page authentication information maintained by authentication server*); (4) storing said data at said server [see col3, line 59 to col.4, line 2] (*the authentication server may provide certain user profile information the affiliate server*); (5) a server sending data to other client computing devices that are member of said account [see col.7, lines 34-35](authentication server sends a message to each web server on the list of sites visited), and (6) each of said other client computing devices that is a member of said account updating its copy of said at least one cookie in

accordance with said data [see col.7, lines 25-39] (authentication server also updates a cookie that contains a list of all sites visited by user).

4. However, Howard does not explicitly discloses responsive to a change in a copy of said at least one cookie stored at a first one of said client computing devices that is a member of said account, said first member client computing device sending a message to a server on said network containing sufficient data from which said changes to said copy of said at least one cookie can be determined and the account to which said first member client computing device corresponds.
5. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses responsive to a change in a copy of said at least one cookie stored at a first one of said client computing devices that is a member of said account, said first member client computing device sending a message to a server on said network containing sufficient data from which said changes to said copy of said at least one cookie can be determined and the account to which said first member client computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].
6. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, liens 18-20]. Also, Howard and

Sears do not explicitly disclose wherein at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies.

7. In the same field endeavor, Jsonline.com discloses (e.g., gathering and trading data). Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes).

8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jsonline.com's teachings of a gathering and trading data with the teachings of Howard at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies for the purpose of helping companies gather information for the people they bite, acting like tracking and information exchange services [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, first paragraph of page.1].

9. **As to claim 2**, Howard teaches the invention as claimed, wherein step (5) is performed responsive to a request for said data received from another client computing device that is a member of said account: (7) said another member client computing device issuing requests for said data [see Sears col.10, line 51 to col. 11, line.5] (change the user information in each of cookies).

10. **As to claims 3**, and 18, Howard does not explicitly teach periodically attempting to send said one or more changed cookies to computing devices that are members of said account. However, Howard does not explicitly disclose periodically attempting to send said data to client computing devices that are members of said account.

11. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses periodically attempting to send said data to client computing devices that are members of said account (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

12. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, liens 18-20].

13. **As to claims 4, and 19**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server records of the cookies stored at said client computing devices that are members of said account [see col.10, line 55 to col.11, line15](the information received in the completed web page authentication information maintained by authentication server); (5.2) comparing said records with said data stored at said server that relate to cookies that correspond to said account (Fig.4) (see abstract, col.7, lines 1-15).

14. **As to claims 5, and 20**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server records of the cookies stored at said computing devices that are members of said account (see col.10, line 55 to col.11, line15)(the information received in the completed web page authentication information maintained by authentication server); (5.2) comparing said records with said data stored at said server that relate to cookies that correspond to said account (Fig.4) (see abstract, col.7, lines 1-15), sending to each said client computing device that is a member of said account only said data that relates to cookies for which it is determined [see col. 7, lines 34-36] (authentication server sends a message to each web server on the list of sites visited).

15. **As to claims 7, and 22**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server first records of the times at which step (5) was last performed with respect to each said client computing device that is a member of said account, and (5.2) maintaining at said server second records of the client machine from which said data was received, and (5.3) comparing said first and second

records with said data stored at said server that relate to said account (fig.4) (see col.6, lines 43 to col.7, lines 39), sending to each said client computing device that is a member of said account only said data that relates to cookies for which it is determined [see col. 7, lines 34-36] (authentication server sends a message to each web server on the list of sites visited).

16. **As to claims 8, 23 and 26,** Howard teaches the invention as claimed, wherein changes to a cookie comprise any of updates to said cookie, creation of said cookie, deletion of said cookie, and rewriting of said cookie [see col.7, lines 15-39] (creates a cookie).

17. **As to claims 9, and 27**, Howard teaches the invention as claimed, wherein step (6) comprises periodically requesting said data [see col.6, lines 1-27] (reenter the password).

18. **As to claims 10, and 28,** Howard teaches the invention as claimed, wherein step (6) comprises requesting said data in said account each time said client computing device log onto said network [see col.7, lines 1-39].

19. **As to claims 11, and 29,** Howard teaches the invention as claimed, wherein step (6) is performed responsive to said member computing device accessing a particular Web site for which it has stored corresponding cookies [see col.1, lines 35-59].

20. **As to claims 12, and 30,** Howard teaches the invention as claimed, wherein step (6) comprises, responsive to the accessing of a particular Web site, said member client computing device requesting from said server only data corresponding those changed cookies in said account that correspond to said Web site [(see col.7, lines15-39].

21. **As to claims 13, and 31,** Howard teaches the invention as claimed, wherein step (3) is performed responsive to an instruction received by said member client computing device to log off of said network [see col.8, lines 1-32, col.6, lines 1-27].

22. **As to claims 14, and 32**, Howard teaches the invention as claimed, wherein step (3) is performed in connection with cookies corresponding to a particular Web site responsive to said member client computing device exiting said Web site [see col.1, lines 35-59].

23. **As to claims 15, and 33,** Howard teaches the invention as claimed, wherein step (3) is performed periodically [see col.6, lines 1-27].

24. **As to claim 16**, Howard teaches the invention as claimed, including a method of synchronizing different copies of a cookie across a plurality of client computing devices that access a network, said method comprising the steps of: (1) registering a plurality of client computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary

information to the authentication server); (2) maintaining information identifying the members of said account at a server on said network [see col.9, lines 65-67, col.10, line 55 to col.11, line15](*the same login ID is used to identify a particular user on all affiliate servers, the information received in the completed web page authentication information maintained by authentication server*); (4) storing at said server said data and information identifying said account to which they correspond [see col3, line 59 to col.4, line 2] (*the authentication server may provide certain user profile information the affiliate server*); (5) a server sending data to other member of said associated account [see col.7, lines 34-35](*authentication server sends a message to each web server on the list of sites visited*). However, Howard does not explicitly discloses receiving messages from said client computing devices that are members of said account identifying at least one cookie that have been changed at said client computing devices, said messages also containing sufficient data from which said at least one cookie can be determined and the account to which said first member computing device corresponds.

25. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses receiving messages from said client computing devices that are members of said account identifying at least one cookie that have been changed at said client computing devices, said messages also containing sufficient data from which said at least one cookie can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

26. Accordingly, it would have been obvious to one of ordinary skill in the networking art the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20]. Also, Howard and Sears do not explicitly disclose wherein at least one cookie is synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies.

27. In the same field endeavor, Jsonline.com discloses (e.g., gathering and trading data). Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes).

28. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jsonline.com's teachings of a gathering and trading data with the teachings of Howard at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said

at least one cookies for the purpose of helping companies gather information for the people they bite, acting like tracking and information exchange services [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, first paragraph of page.1].

29. **As to claim 17,** Howard does not explicitly teach performing responsive to a request for data received from another computing device that is a member of said account.

30. **As to claim 24,** Howard teaches the invention as claimed, including a method of synchronizing different copies of a cookie across a plurality of computing devices that access a network, said method comprising the steps of: (1) registering a plurality of client computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (4) said member computing devices updating their cookies in accordance with said data [see col.7, lines 25-39] (the cookie is updated by adding the current affiliate server to the list of sites visited); (4)member client computing device updating their cookies in accordance with said data[see col.7, lines 34-36](authentication server sends a message to each web server on the list of sited visited). However, Howard does not explicitly discloses responsive to a change at least one cookie stored at a any of said computing devices that are members of said account, said client computing device sending a message to a server on said network containing sufficient

data from which said at least one cookie can be determined and the account to which said first member client computing device corresponds.

31. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses responsive to a change at least one cookie stored at a any of said computing devices that are members of said account, said client computing device sending a message to a server on said network containing sufficient data from which said at least one cookie can be determined and the account to which said first member client computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

32. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20]. Also, Howard and Sears do not explicitly disclose wherein at least one cookie is synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies.

33. In the same field endeavor, Jsonline.com discloses (e.g., gathering and trading data). Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client

computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes).

34. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jsonline.com's teachings of a gathering and trading data with the teachings of Howard at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies for the purpose of helping companies gather information for the people they bite, acting like tracking and information exchange services [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, first paragraph of page.1].

35. **As to claim 25,** Howard teaches the invention as claimed, further comprising the step of: (5) said member client computing devices issuing requests for said data; and wherein step (3) is performed responsive to step (5) [see col.5, line 42 to col.6, line 27, and col.7, line 1-39].

(10) Response to Argument

Appellant argue that Howard does not explicitly disclose "*synchronizing different copies of the same cookie across a plurality of different client machine*".

Examiner respectfully disagrees. Applicant argument is vague. Examiner stated that Howard, and Sears do not explicitly disclose at least one cookie is to synchronized across plurality of client computer device. However, JSonline discloses synchronizing different copies of the same cookie across a plurality of different client machine as shown in JSonline paragraph 4th of page 1 (*using a Web bug process called "cookie sync", two company exchange data in back ground about web site visitors*).

Appellant argue that Howard does not explicitly disclose "*registering a plurality of client computing devices as members of an account*".

Examiner respectfully disagrees. Howard discloses registering a plurality of client computing devices as members of an account as shown in col. 2, lines 1-42 *(registration information typical requested by web servers during user registration process*).

Appellant argue that JSOnline article does not disclose" *multiple clients machines*".

Examiner respectfully disagrees. Applicant argument is vague. JSonline discloses multiple clients machines as shown in JSonline paragraph 4th of page 1 (*two company (multiple client machines)exchange data in back ground about web site visitors)*

Appellant argue that three references do not disclose "*sharing cookies across multiple client machines*".

Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Sharing cookies) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TN

Thanh Tammy Nguyen
Examiner Art Unit 2144

Conferees:

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